

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
_____ DIVISION**

| | | |
|---------------|---|------------------------------|
| _____, |) | |
| |) | |
| Plaintiff(s), |) | Case No. _____ |
| |) | |
| v. |) | SCHEDULING ORDER |
| |) | |
| _____, |) | By: James P. Jones |
| |) | United States District Judge |
| Defendant(s). |) | |

This case appears to an action seeking benefits under the provisions of an employee benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (“ERISA”). Based on that assumption, and pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the court proposes the following as a scheduling order. Unless any party objects within 7 days, this will constitute the scheduling order applicable to the case.

It is **ORDERED** as follows:

1. In the event any discovery in this case is appropriate, it will be completed within 60 days of this order. Discovery material is not to be filed, unless and until actually used in the proceedings. All discovery disputes are hereby referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, for hearing and determination, pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule 72(a).

2. If the case is settled, the court will dismiss the case from the docket and if no agreed final order or judgment is thereafter submitted within 60 days, or if no party files a motion to reopen within such time, the case shall, without further order, stand dismissed with prejudice.

3. The employee benefit plan administrator or fiduciary must file the administrative record in this case with the court, and with a copy served upon opposing counsel, within 60 days of this order.

4. All parties are deemed to have moved for summary judgment in their respective favor based upon the administrative record.

5. The plaintiff must file a brief stating the grounds on which benefits or other relief in this case are claimed within 15 days after the administrative record is served upon the plaintiff. At the same time, the plaintiff must file any objections to the authenticity of the administrative record.

6. The defendant must file a brief in response within 15 days after service of the plaintiff's brief.

7. If the plaintiff desires, the plaintiff may file a reply brief, if filed within 7 days following the service of the defendant's brief.

8. If any party desires oral argument in the case, it is the responsibility of counsel to advise the court promptly after the last filing described above. Otherwise, the case will be decided without oral argument.

9. By written stipulation signed by all counsel and filed with the court, the parties may adjust the deadlines set forth above, provided that no extension greater than 60 days of any particular deadline date will be permitted except by permission of the court.

ENTER:

United States District Judge